

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ALVIN L. BRAGG, JR., in his official capacity as
District Attorney for New York County

Plaintiff,

v.

JIM JORDAN, in his official capacity as Chairman of the
Committee on the Judiciary, et al.,

Defendants.

Case No. 23-cv-3032

DECLARATION OF THEODORE J. BOUTROUS, JR.

I, Theodore J. Boutrous, Jr., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of this Court and a partner of the law firm of Gibson, Dunn & Crutcher LLP, counsel to Plaintiff Alvin L. Bragg, Jr. I am personally familiar with the facts set forth in this Declaration and if called, could testify competently thereto.

2. I submit this declaration in support of Plaintiff's Memorandum Of Law In Support Of His Motion For A Temporary Restraining Order And Preliminary Injunction.

3. Attached as **Exhibit 1** is a true and correct copy of an April 6, 2023 letter from U.S. Representative Jim Jordan to Mark F. Pomerantz, enclosing a copy of an April 6, 2023 subpoena issued by U.S. Representative Jim Jordan to Mark F. Pomerantz.

4. Attached as **Exhibit 2** is a true and correct copy of a March 20, 2023 letter from U.S. Representatives Jim Jordan, Bryan Steil, and James Comer to New York County District Attorney Alvin L. Bragg, Jr.

5. Attached as **Exhibit 3** is a true and correct copy of a Tweet by Kevin McCarthy (@SpeakerMcCarthy) at 5:00 PM EST on April 4, 2023.

6. Attached as **Exhibit 4** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 9:50 AM EST on March 31, 2023.

7. Attached as **Exhibit 5** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 6:29 PM EST on March 30, 2023. Attached as **Exhibit 5-A** is a true and correct copy of an image attached to the Truth Social Post by Donald J. Trump (@realDonaldTrump) at 6:29 PM EST on March 30, 2023.

8. Attached as **Exhibit 6** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 7:26 AM EST on March 18, 2023.

9. Attached as **Exhibit 7** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 8:50 AM EST on March 23, 2023.

10. Attached as **Exhibit 8** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 1:08 AM EST on March 24, 2023.

11. Attached as **Exhibit 9** is a true and correct copy of a “ReTruth” by Donald J. Trump (@realDonaldTrump) of a March 23, 2023 Truth Social post by Wayne Allyn Root.

12. Attached as **Exhibit 10** is a true and correct copy of a March 23, 2023 letter from Leslie B. Dubeck, General Counsel to the New York County District Attorney, to U.S. Representatives Jim Jordan, Bryan Steil, and James Comer.

13. Attached as **Exhibit 11** is a true and correct copy of a March 25, 2023 letter from U.S. Representatives Jim Jordan, Bryan Steil, and James Comer to New York County District Attorney Alvin L. Bragg, Jr.

14. Attached as **Exhibit 12** is a true and correct copy of a March 27, 2023 letter from Mark F. Pomerantz to U.S. Representative Jim Jordan.

15. Attached as **Exhibit 13** is a true and correct copy of a March 27, 2023 letter from Carey R. Dunne to U.S. Representative Jim Jordan.

16. Attached as **Exhibit 14** is a true and correct image of a Truth Social Post by Donald J. Trump (@realDonaldTrump). The post has since been deleted from Mr. Trump's Truth Social profile.

17. Attached as **Exhibit 15** is a true and correct copy of an article titled *Republicans Vowed to Grill Bragg About Trump, But It's Not so Simple*, written by Luke Broadwater and Jonathan Swan, published by the New York Times on April 5, 2023.

18. Attached as **Exhibit 16** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 8:05 PM EST on March 30, 2023.

19. Attached as **Exhibit 17** is a true and correct copy of a Tweet by Rep. Jim Jordan (@Jim_Jordan) at 5:48 PM EST on March 30, 2023.

20. Attached as **Exhibit 18** is a true and correct copy of a Tweet by Kevin McCarthy (@SpeakerMcCarthy) at 6:51 PM EST on March 30, 2023.

21. Attached as **Exhibit 19** is a true and correct copy of a March 31, 2023 letter from Leslie B. Dubeck, General Counsel to the New York County District Attorney, to U.S. Representatives Jim Jordan, Bryan Steil, and James Comer.

22. Attached as **Exhibit 20** is a true and correct copy of a Retweet by Rep. Jim Jordan (@Jim_Jordan) of a Tweet by Rep. Wesley Hunt Press Office (@RepWPH) at 10:09 AM on April 7, 2023 linking to a video of an April 7, 2023 interview with Rep. Wesley Hunt on *Fox and Friends*. Attached as **Exhibit 20-A** is a true and correct copy of the April 7, 2023 Fox News broadcast of *Fox and Friends* interviewing Rep. Wesley Hunt and Retweeted by Rep. Jim Jordan.

23. Attached as **Exhibit 21** is a true and correct copy of the Statement of Carlos Felipe Uriarte, Assistant Attorney General, Office of Legislative Affairs, before the Subcommittee on Responsiveness and Accountability to Oversight, Committee on the Judiciary, U.S. House of Representatives, at a Hearing Entitled “Compliance with Committee Oversight,” presented March 9, 2023.

24. Attached as **Exhibit 22** is a true and correct copy of an article titled *DOJ Tells House Judiciary Chair It Will Not Hand over Most Biden Special Counsel Probe Documents until Investigation Complete*, written by Zachary Cohen, published by CNN and last updated on January 30, 2023.

25. Attached as **Exhibit 23** is a true and correct copy of an article titled *Inside the Backchannel Communications Keeping Donald Trump in the Loop on Republican Investigations*, written by Annie Grayer, Alayna Treene, Melanie Zanona and Kristen Holmes, published by CNN on March 28, 2023.

26. Attached as **Exhibit 24** is a true and correct copy of an article titled *Trump Already Has a Plan to Get Revenge on Alvin Bragg*, written by Asawin Suebsaeng and Adam Rawnsley, published by Rolling Stone on March 23, 2023.

27. Attached as **Exhibit 25** is a true and correct copy of an article titled *House G.O.P., Defending Trump, Targets Bragg Ahead of Expected Indictment*, written by Annie Karni and Luke Broadwater, published by the New York Times on March 20, 2023.

28. Attached as **Exhibit 26** is a true and correct copy of an article titled *Trump’s Lawyers Are Begging Him for Restraint. His Political Allies Are Preparing to ‘Fight Dirty’*, written by Tim Dickinson, Asawin Suebsaeng, and Adam Rawnsley, published by Rolling Stone on April 6, 2023.

29. Attached as **Exhibit 27** is a true and correct excerpted copy of a September 14, 2016 transcript of the U.S. House of Representatives Committee on Science, Space, and Technology's hearing titled *Affirming Congress' Constitutional Oversight Responsibilities: Subpoena Authority and Recourse for Failure to Comply with Lawfully Issued Subpoenas*.

30. Attached as **Exhibit 28** is a true and correct copy of an April 7, 2023 letter from U.S. Representative Jim Jordan to Matthew B. Colangelo.

31. Attached as **Exhibit 29** is a true and correct copy of an article titled *Trump Claims His Arrest Is Imminent and Calls for Protests, Echoing Jan. 6*, written by Maggie Haberman, Jonah E. Bromwich, Ben Protess, Alan Feuer, and William K. Rashbaum, published by the New York Times and last updated on April 4, 2023.

32. Attached as **Exhibit 30** is a true and correct copy of a Tweet by Rep. Marjorie Taylor Greene (@RepMTG) at 2:02 PM EST on March 22, 2023.

33. Attached as **Exhibit 31** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 9:06 AM EST on March 23, 2023.

34. Attached as **Exhibit 32** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 8:04 AM EST on March 29, 2023.

35. Attached as **Exhibit 33** is a true and correct copy of a Tweet by Kevin McCarthy (@SpeakerMcCarthy) at 3:33 PM EST on March 19, 2023.

36. Attached as **Exhibit 34** is a true and correct excerpted copy of the Final Report of the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol, dated December 22, 2022.

37. Attached as **Exhibit 35** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 9:23 AM EST on March 30, 2023.

38. Attached as **Exhibit 36** is a true and correct copy of the indictment of Donald J. Trump, alleging 34 counts of Falsifying Business Records in the First Degree. Attached as **Exhibit 36-A** is a true and correct copy of the Statement of Facts accompanying the indictment of Donald J. Trump (IND-71543-23), dated April 4, 2023.

39. Attached as **Exhibit 37** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 12:39 PM EST on March 31, 2023.

40. Attached as **Exhibit 38** is a true and correct copy of an article titled *Manhattan DA Alvin Bragg Inundated with Racist Emails, Death Threats amid Trump Indictment; 'We Are Everywhere and We Have Guns'*, written by Molly Crane-Newman, published by the New York Daily News on March 31, 2023.

41. Attached as **Exhibit 39** is a true and correct copy of a Tweet by Ronny Jackson (@RonnyJacksonTX) at 5:35 PM on March 30, 2023.

42. Attached as **Exhibit 40** is a true and correct copy of a Tweet by Rep. Dan Bishop (@RepDanBishop) at 1:53 PM EST on March 31, 2023.

43. Attached as **Exhibit 41** is a true and correct copy of a Tweet by House Judiciary GOP (@JudiciaryGOP) at 5:59 PM EST on March 31, 2023.

44. Attached as **Exhibit 42** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 8:40 PM EST on April 3, 2023.

45. Attached as **Exhibit 43** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 8:51 PM EST on April 3, 2023.

46. Attached as **Exhibit 44** is a true and correct copy of a Truth Social post by Donald J. Trump (@realDonaldTrump) at 9:52 AM EST on April 4, 2023.

47. Attached as **Exhibit 45** is a true and correct copy of a Tweet by Donald Trump Jr. (@DonaldJTrumpJr) at 12:27 PM EST on April 4, 2023.

48. Attached as **Exhibit 46** is a true and correct copy of a Tweet by Rep. Marjorie Taylor Greene (@RepMTG) at 1:00 PM EST on April 4, 2023.

49. Attached as **Exhibit 47** is a true and correct copy of a press release titled *Jordan, Comer Release Statement on Unconstitutional Gag Order*, issued on April 4, 2023 by the Committee on the Judiciary of the U.S. House of Representatives.

50. Attached as **Exhibit 48** is a true and correct copy of an article titled *House Judiciary Committee to Hold NYC Hearing with ‘Victims’ of DA Alvin Bragg’s Policies*, written by Steven Nelson, published by the New York Post and last updated on April 10, 2023.

51. Attached as **Exhibit 49** is a true and correct copy of an article titled *Trump Rips Alvin Bragg after NYC Arrest: ‘The Criminal Is the District Attorney’*, written by Caitlin Doornbos, Steven Nelson, and Selim Algar, published by the New York Post and last updated on April 4, 2023.

52. Attached as **Exhibit 50** is a true and correct copy of a Tweet by Rep. Jim Jordan (@Jim_Jordan) at 11:46 AM EST on April 6, 2023.

53. Attached as **Exhibit 51** is a true and correct copy of a Retweet by Rep. Jim Jordan (@Jim_Jordan) of a Tweet by Breitbart News (@BreitbartNews) at 11:24 AM EST on April 6, 2023.

54. Attached as **Exhibit 52** is a true and correct copy of a recording of a March 26, 2023 CNN broadcast of *State of the Union with Jake Tapper and Dana Bash* interviewing James Comer, available at <https://www.cnn.com/videos/politics/2023/03/26/sotu-rep-comer-full.cnn>.

55. Attached as **Exhibit 53** is a true and correct copy of a recording of an April 2, 2023 Fox News broadcast of *Sunday Morning Futures with Maria Bartiromo* interviewing Jim Jordan, available at <https://www.foxnews.com/video/6323835580112>.

56. Attached as **Exhibit 54** is a true and correct copy of a recording of an April 4, 2023 Fox News broadcast of *Jesse Watters Primetime* interviewing Jim Jordan and James Comer, available at https://www.youtube.com/watch?v=cnxn3OOtaBg&ab_channel=FoxNews.

57. Attached as **Exhibit 55** is a true and correct copy of an article titled *Trump Vows to Remove 'Thugs and Criminals' from Justice System at Rally, amid Legal Woes*, written by Julia Shapero, published by The Hill on March 25, 2023.

58. Attached as **Exhibit 56** is a true and correct copy of a Tweet by Rep. Jim Jordan (@Jim_Jordan) at 9:52 AM EST on April 10, 2023.

59. Attached as **Exhibit 57** is a true and correct copy of a Retweet by Rep. Jim Jordan (@Jim_Jordan) of a Tweet by House Judiciary GOP (@JudiciaryGOP) at 8:15 AM on April 10, 2023.

60. Attached as **Exhibit 58** is a true and correct copy of a March 22, 2023 letter from U.S. Representative Jim Jordan to Mark F. Pomerantz.

61. Attached as **Exhibit 59** is a true and correct copy of a March 22, 2023 letter from U.S. Representative Jim Jordan to Carey R. Dunne.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 11, 2023

/s/ Theodore J. Boutrous, Jr.
Theodore J. Boutrous, Jr.